

ORDINANCE NO. 16865-03-2006

AN ORDINANCE AMENDING ORDINANCE NO. 16731 TO REFLECT METES AND BOUNDS FOR ZONING CASE ZC-05-226; THE TOTAL ACREAGE FOR ZONING CASE ZC-05-224 AND ZC-05-225 WAS INCLUDED IN ZC-05-226; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE AND NAMING AN EFFECTIVE DATE

WHEREAS, on December 13, 2005, the City Council approved a request in Case No. ZC-06-226 to rezone property at 9500 thru 9800 Blocks of Heron Drive, from "A-5" One-Family Residential to "A-21" One-Family Residential; No. ZC-05-225 to rezone property at 2401 Silver Creek Road, from "AG" Agricultural to "A-21" One-Family Residential; ZC-05-224 to rezone property at 2300 thru 3200 blocks of Silver Creek Road, from "A-5" One-Family Residential to "A-21" One-Family Residential; and to Deny ZC-05-224A property at 2501 Silver Creek Road.

WHEREAS, Ordinance No. 16731 incorporating the City Council's zoning decisions from the December 13, 2005, meeting combined the metes and bounds descriptions for Zoning Cases ZC-05-224, 225 and 226 under one case number, ZC-05-226;

WHEREAS, it is advisable to amend Ordinance No. 16731 with regard to Case No. ZC-05-226, to reflect the metes and bounds for each individual case; ZC-05-224 ZC-05-225, and ZC-05-226 for historical purposes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH:

SECTION 1.

Ordinance No. 16713, an amendment to Ordinance 13896, is amended to correct the decision for Case No. ZC-05-226 to reflect that the City Council show the metes and bounds for each Zoning Case, as follows:

ZC-05-224 2300 thru 3200 Blocks of Silver Creek Road

Description:

BEING a portion of those certain tracts of land situated in the Jacob Wilcox Survey Number 2, Abstract No. 1725, recorded in Volume 325, Page 376, County Court Records, Tarrant County, Texas, the Jacob Wilcox Survey Number 1, Abstract No. 1729, recorded in Volume 22, Page 633, County Court Records, Tarrant County, Texas, being situated on the West Fork of the Trinity River, and being more particularly described as follows:

BEGINNING at the Southwest corner of an 8.02 acre park, commonly known as Live Oak Nursery Park, according to Lake Worth Lease Blocks recorded in Cabinet A, Slide 7417, PRTCT;

THENCE with the Southeasterly line of said Live Oak Nursery Park, North 57° 52' 37" East, 1114.17 feet to the Southwest corner of Lot 27, Block 25, and the 594 feet contour line according to said plat;

THENCE generally with the 594 contour line or existing retaining walls the Lake Front Property Line to the Northeast corner of Lot 23A, block 25, according to said plat;

THENCE North 60° 00' 00" East, pass the common boundary line of the Jacob Wilcox Surveys, Numbers 1 and 2, to a point some 200 feet Northeasterly of said line;

THENCE Southwesterly to the Northeast corner of Lot 6, Block 26, Lake Worth Leases, according to plat recorded in Cabinet A, Slide Number 7637, PRTCT;

THENCE with the East line of said Lot 6, South 47° 27' 54" East, passing its Southeast corner to the platted South right-of-way of Heron Drive, according to said plat;

THENCE with said platted South right-of-way line of Heron Drive, Westerly to the original West right-of-way line of Silver Creek Road;

THENCE Northwesterly with said West right-of-way line of Silver Creek Road, to the South line of the platted right-of-way of said road, according to said plat recorded in Cabinet A, Slide 7417, PRTCT;

THENCE with the meanders of the West bank of Silver Creek, Southeasterly to the Northwest corner of Lot 28, Block 25, and the 594 contour line, the Lake Front Property line, according to plat of Lake Worth Leases, recorded in Cabinet A, Slide No. 7417, PRTCT;

THENCE with the Northwest line of said Lot, South 27° 51' 06" West, 2092.79 feet, to the Southwest corner of said Lot;

THENCE crossing Silver Creek Road South 39° 32' 55" West, 120 feet to the platted West right-of-way line;

THENCE with the platted West right-of-way line of Silver Creek Road, Southeasterly to the Northeast corner of that certain tract of land described by deed recorded in Volume 10948, Page 415, DRTCT;

THENCE with the North line of said tract, West some 406 feet, to its Northwest corner;

THENCE with the West line of said tract, SOUTH, pass its Southwest corner, some 232.0 feet, to near the centerline of Western Oaks Road;

THENCE generally with the center line of Western Oaks Road WEST some 22028.0 feet, *to the PLACE OF BEGINNING and containing some 137 acres of land, more or less.*

Save and Except 2.0 acres out of the Jacob Wilcox Survey #2, Tract 2, 2501 Silver Creek Road.

Zoning Change:

From: "A-5" One-Family Residential

To: "A-21" One-Family Residential

ZC-05-225 2401 Silver Creek Road

Description:

BEING a portion of that certain tract of land situated in the Jacob Wilcox Survey, No. 2, Abstract No. 1725, conveyed to the City of Fort Worth in deed recorded in Volume 329, Page 389, DRTCT, and being situated on the West Fork of the Trinity River, and being more particularly described as follows:

BEGINNING at the Southwest corner of the right-of-way of Silver Creek Road, according to plat of Lake Worth Lease Blocks recorded in Cabinet A, Slide 7417, PRTCT:

THENCE with the South right-of-way line of said Silver Creek South 88° 37' 46" East, some 26 feet to the original West right-of-way;

THENCE Southerly with said original West right-of-way to its intersection with the East line of the Southwest Quarter Section of said Jacob Wilcox Survey, No. 2;

THENCE with the East boundary line of the Southwest Quarter Section, SOUTH to its intersection with the centerline of Live Oak Creek;

THENCE with meanders of the centerline up Live Oak Creek, Southwesterly to the South line of said City of Fort Worth tract, or its projection to the East;

THENCE with projection or with said South line, WEST to the West line of the said Jacob Wilcox Survey No. 2;

THENCE With the West boundary line of said Jacob Wilcox Survey No. 2, NORTH some 2630 feet to the Northwest corner of said Southwest Quarter Section of said survey and being near the centerline of Western Oak Road;

THENCE generally with said centerline and North line of said Southwest Quarter Section EAST, some 2610 feet, to the West right-of-way of Silver Creek Road;

THENCE with said right-of-way South 01° 22' 14" West, some 139 feet to the **POINT OF BEGINNING and containing some 125 acres, more or less.**

Zoning Change:

From: "AG" Agricultural

To: "A-21" One-Family Residential

ZC-05-226 9500 thru 9800 Blocks of Heron Drive

Description:

BEING a portion of that certain tract of land situated in the Jacob Wilcox Survey No. 2, Abstract No. 1725, recorded in Volume 325, Page 376, DRTCT, being situated on the West Fork of the Trinity River, and being more particularly described as follows:

BEGINNING at the Southwest corner of the Northwest Quarter Section of said Jacob Wilcox Survey No. 2, and being near the centerline of Western Oaks Road;

THENCE with the west line of said Jacob Wilcox Survey, No. 2, NORTH some 2640 feet to the northwest corner of said survey;

THENCE with the North line of said Jacob Wilcox Survey, No. 2, EAST to the most Easterly intersection of the West bank of Silver Creek;

THENCE with said South right-of-way, South 88° 37' 46" East, some 94 feet, ***to the POINT OF BEGINNING and containing some 73 acres of land, more or less.***

Zoning Change:

From: "A-5" One-Family Residential

To: "A-21" One-Family Residential

SECTION 2.

This ordinance corrects Ordinance No. 16731 with regard to Case No. ZC-05-226, ZC-05-225, ZC-05-224 only.

SECTION 3.

The zoning regulations and districts, as herein established, have been made in accordance with the comprehensive plan for the purpose of promoting the health, safety, morals and general welfare of the community. They have been designed to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, parks and other public requirements. They have been made after full and complete public hearing with reasonable consideration, among other things, of the character of the district and its peculiar suitability for the particular uses and with a view of conserving the value of a building and encouraging the most appropriate use of land throughout the community.

SECTION 4.

This ordinance shall be cumulative of all other ordinances of the City of Fort Worth affecting zoning and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 5.

All rights or remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of Ordinance No. 13896 or of any amendments thereto that have accrued at the time of the effective date of this ordinance; and as to such accrued violations, and all pending litigation, both civil or criminal, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 6.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared void, ineffective or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.


SECTION 7.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 8.

This ordinance shall take effect upon adoption and publication as required by law.

APPROVED AS TO FORM AND LEGALITY:


Assistant City Attorney

Adopted and Effective: March 28, 2006

[Print M&C](#)

COUNCIL ACTION: Approved on 3/28/2006 - Ordinance No. 16865-03-2006

DATE: 3/28/2006 **REFERENCE NO.:** **G-15132 **LOG NAME:** 06CORRECT16731
CODE: G **TYPE:** CONSENT **PUBLIC HEARING:** NO
SUBJECT: Adopt Ordinance Correcting Ordinance No.16731 Concerning Zoning Case No. ZC-05-226 to Create Separate Property Descriptions for ZC-05-224, ZC-05-225 and ZC-05-226

RECOMMENDATION:

It is recommended that the City Council adopt the attached ordinance correcting Ordinance No. 16731 to create separate property descriptions for ZC-05-224, ZC-05-225 and ZC-05-226.

DISCUSSION:

On December 13, 2005, the City Council voted to approve a request to rezone property in the 9500 thru 9800 blocks of Heron Drive, from "A-5" One-Family Residential to "A-21" One-Family Residential, 2401 Silver Creek Road, from "AG" Agricultural to "A-21" One-Family Residential, and 2300 thru 3200 blocks of Silver Creek Road, from "A-5" One-Family Residential to "A-21" One-Family Residential. However, Ordinance 16731 combined the metes and bounds description for zoning cases ZC-05-224, ZC-05-225 and ZC-05-226 under one case number ZC-05-226. Adoption of this correction ordinance will create individual cases number with separate metes and bounds descriptions for public records.

This property is located in COUNCIL DISTRICT 7.

FISCAL INFORMATION/CERTIFICATION:

The Finance Director certifies that adoption of this ordinance will have no material effect on City funds.

TO Fund/Account/Centers**FROM Fund/Account/Centers**

Submitted for City Manager's Office by: Dale Fisseler (6266)

Originating Department Head: Bob Riley (8901)

Additional Information Contact: Bob Riley (8901)

ATTACHMENTS

Correction ord ZC-05-226 (2).doc